Tax Computation for Children Under Age 14 with Investment Income

Attach ONLY to the child's Form 540 or Long Form 540NR

Child's name as shown on return

Child's social security number

Parent's name (first, initial, and last). (Caution: See instructions before completing.)

Parent's social security number

Parent's filing status (check one):

☐ Single   ☐ Married filing jointly   ☐ Married filing separately   ☐ Head of household   ☐ Qualifying widow(er)

Enter number of exemptions claimed on parent's return . . . . ☐

Part I   Child's net investment income

1 Enter the child's investment income, such as taxable interest, ordinary dividends, and capital gains.
See instructions. If this amount is $1,600 or less, stop here; do not file this form **1**

2 If the child DID NOT itemize deductions on Form 540 or Long Form 540NR, enter $1,600. If the child ITEMIZED
deductions, see instructions **2**

3 Subtract line 2 from line 1. If zero or less, stop here; do not complete the rest of this form but ATTACH
it to the child's return **3**

4 Enter the child's **taxable** income from Form 540, line 19 or **total taxable** income from Long Form 540NR, line 19 . . . . **4**

5 Net investment income. Enter the **smaller** of line 3 or line 4 . . . . **5**

Part II   Tentative tax based on the tax rate of the parent listed above

6 Enter the parent's **taxable** income from Form 540, line 19; Form 540A, line 16; or **total taxable** income
from Long or Short Form 540NR, line 19 . . . . **6**

7 Enter the total net investment income, if any, from form(s) FTB 3800, line 5, of ALL OTHER children of the
parent identified above. **Do not** include the amount from line 5 above **7**

8 Add line 5 through line 7 . . . . **8**

9 Enter the tax on the amount on line 8 based on the **parent's** filing status. Use the tax table found in the 2004
instructions for Forms 540 or 540A. Long or Short Form 540NR filers, see instructions **9**

10 Enter the parent's tax from Form 540, line 20 or Form 540A, line 17. Long or Short Form 540NR filers,
see instructions. Do not include any tax from FTB 3803 . . . . **10**

11 Subtract line 10 from line 9. If you did not enter an amount on line 7, then enter the amount from
line 11 on line 13 and skip line 12a and line 12b **11**

12 a Add line 5 and line 7 . . . . **12a**

   b Divide line 5 by line 12a. Enter the result as a decimal (rounded to at least three places) . . . . **12b** **X** . ___ ___ ___ ___

13 Multiply line 11 by the decimal amount on line 12b **13**

Part III   Child's tax

Note: If the amounts on line 4 and line 5 above are the same, go to line 16.

14 Subtract line 5 from line 4 . . . . **14**

15 Enter the tax on the amount on line 14 based on the **child's** filing status. Use the tax table found in the 2004
instructions for Form 540. Long Form 540NR filers, see instructions **15**

16 Add line 13 and line 15 . . . . **16**

17 Enter the tax on the amount on line 4 based on the **child's** filing status. Use the tax table found in the 2004
instructions for Form 540. Long Form 540NR filers, see instructions **17**

18 Compare the amounts on line 16 and line 17. Enter the **larger** of the two amounts here and on the child's Form 540,
line 20. Also fill in the circle labeled "FTB 3800" on the child's tax return. Long Form 540NR filers, see instructions . . . **18**

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Instructions for Form FTB 3800
Tax Computation for Children Under Age 14 with Investment Income

General Information

For taxable years beginning on or after January 1, 2002, California law was changed to clarify the method used to calculate loss carryovers, deferred deductions, and deferred income for nonresident and part-year resident taxpayers. This changed the tax computation to recognize those items, and established a new method to determine percentages for computing tax for all nonresidents and part-year residents. The nonresident tax forms (Long and Short Form 540NR) have been revised to more clearly show that nonresidents pay tax to California only on their California taxable income. For further information, get FTB Pub. 1100, Taxation of Nonresidents and Individuals Who Change Residency.

Purpose

Any child who was under age 14 on January 1, 2005, and has investment income over $1,600 is taxed at the parent's rate if the parent's rate is higher than the child's rate. If the child's investment income is more than $1,600, use this form to figure the child's tax. Include only income taxed by California on this form. Also include investment income that was not taxed on the child's federal tax return but is taxable under California law.

If the child uses form FTB 3800, he or she must file Form 540, California Resident Income Tax Return or Long Form 540NR, California Nonresident or Part-Year Resident Income Tax Return.

Do not use form FTB 3800 if:

- Neither parent was living on December 31, 2004; OR
- The child's investment income was less than $1,600.

If the child does not file form FTB 3800, figure the tax in the normal manner on the child's Form 540, Form 540A, Long or Short Form 540NR.

Note: Parents of children under age 14 on January 1, 2005, may elect to include the child's investment income on the parent's tax return. To make this election, the child must have had income only from interest and dividends. The election is not available if estimated tax payments were made in the child's name. Get form FTB 3803, Parents' Election to Report Child's Interest and Dividends, for more information. If parents make this election, the child will not have to file a California tax return or form FTB 3800.

Caution: If you elect to report your child's income on your federal income tax return, but not on your California income tax return, be sure to make an adjustment on your Schedule CA (540 or 540NR), line 21f.

Specific Instructions

Parent's Name and Social Security Number

If federal Form 8615, Tax for Children Under Age 14 With Investment Income of More Than $1,600, was filed with the child's federal tax return, enter the name and social security number of the same parent who was identified at the top of federal Form 8615.

If the child's parents were married to each other and filed a joint 2004 California tax return, enter the name and social security number of the parent who is listed first on the joint return.

If the parents were married but filed separate California tax returns, enter the name and social security number of the parent with the **higher** taxable income.

If the parents were unmarried, treated as unmarried for tax purposes, or separated either by a divorce or separate maintenance decree, enter the name and social security number of the parent who had custody of the child for most of 2004.

Exception. If the custodial parent remarried and filed a joint return with the new spouse, enter the name and social security number of the person listed first on the joint return, even if that person is not the child's parent. If the custodial parent and the new spouse filed separate California tax returns, enter the name and social security number of the person with the **higher** taxable income, even if that person is not the child's parent.

Note: If the child's parents were unmarried but lived together during the year with the child, enter the name and social security number of the parent who had the **higher** taxable income.

Part I Child's Net Investment Income

Line 1 – Enter the child's investment income. Include income such as taxable interest, dividends, capital gains, rents, annuities, and income received as a beneficiary. In most cases, this will be the same as the amount entered on federal Form 8615, except that you should include only income taxable by California. Also, you should include investment income that was not taxed on the child's federal tax return but is taxable under California law. For more information, get the instructions for Schedule CA (540 or 540NR), line 8 and line 9.

If the child had earned income (defined below), use the following worksheet to figure the amount to enter on form FTB 3800, line 1.

1. Enter the amount of the child's adjusted gross income from Form 540, line 17 or Long Form 540NR, line 17, whichever applies ..... 1 _____
2. Enter the child's earned income .... 2 _____ (wages, tips, and other payments received for personal services performed)
3. Subtract line 2 from line 1. Enter the result here and on form FTB 3800, line 1 .... 3 _____

Line 2 – If the child itemized deductions, enter the greater of:

- $800 plus the portion of the amount on Form 540, line 18 or Long Form 540NR, line 18, that is directly connected with the production of the investment income shown on form FTB 3800, line 1; OR
- $1,600.

Part II Tentative Tax Based on Parent's Tax Rate

Note: If the parent used Form 540 2EZ, it will be necessary to refigure tax and refer to the tax table for Form 540 or Form 540A in order to complete this part. Using Form 540 2EZ will **not** produce the correct result.

Line 6 – Enter the taxable income from Form 540, line 19; Form 540A, line 16; or total taxable income from Long or Short Form 540NR, line 19 of the parent whose name is shown at the top of form FTB 3800. If the parent's taxable income is less than zero, enter -0- on line 6. If the parent filed a joint California tax return, enter the taxable income shown on that return even if the parent's spouse is not the child's parent.

Line 7 – If the individual identified as the parent on this form FTB 3800 is also identified as the parent on any other form FTB 3800, add the amounts, if any, from line 5 on each of the other forms FTB 3800 and enter the total on line 7.

Line 9 – Use the California tax table found in the 2004 instructions for Forms 540 or 540A to find the tax for the amount on line 8, based on the parent's filing status (Long or Short Form 540NR filers, see the worksheet on the next page).

Long or Short Form 540NR Filers: To figure a revised California adjusted gross income and a tentative tax based on the parent's tax rate, complete the following worksheet.

A Enter the child's portion of the net investment income that must be included in the child's CA adjusted gross income . . . . ._____

B Enter parent's CA adjusted gross income from Long or Short Form 540NR, Line 21 . . . . ._____

C Add line A and line B . . . . ._____

D Enter the child's investment income (form FTB 3800, line 5) . . . . ._____

E Enter parent's adjusted gross income from all sources from Long or Short Form 540NR, line 17 ._____

   (**Note:** If the parents have other children for whom form FTB 3800 was completed, add the other children's net investment income to the parent's CA adjusted gross income on line B and to the parent's adjusted gross income from all sources on line E.)

F Add line D and line E . . . . ._____

G Divide line C by line F (not to exceed 1.0) . . . . ._____

H Enter the parent's total itemized deductions or standard deduction from Schedule CA (540NR), line 43 . . . . ._____

I Multiply line H by line G . . . . ._____

J Subtract line I from line C ._____

K Subtract line H from line F . . . . ._____

L Find the tax on the amount on line K for the parent's filing status (Use the tax table found in the 2004 instructions for Long or Short Form 540NR) . . . . ._____

M Divide line L by line K . . . . ._____

N Multiply line J by line M. Enter the result on form FTB 3800, line 9 . . . . ._____

Line 10 – Enter the tax shown on the tax return of the parent identified at the top of form FTB 3800 from Form 540, line 20 or Form 540A, line 17.

If the parent filed a joint tax return, enter on line 10 the tax shown on that tax return even if the parent's spouse is not the child's parent.

Long Form 540NR Filers: If the parent's tax amount on Long Form 540NR, line 24 does not include an amount from form FTB 3803, then enter the parent's tax amount from Long Form 540NR, line 24.

If the parent's tax amount on Long Form 540NR, line 24 includes an amount from form FTB 3803, revise the parent's tax by completing the following worksheet.

A Enter the tax from parent's Long Form 540NR, line 20 ._____

B Enter the tax from form FTB 3803 . . . . ._____

C Subtract line B from line A . . . . ._____

D Enter the amount from the parent's Long Form 540NR, line 19 ._____

E Divide line C by line D . . . . ._____

F Enter the amount from the parent's Long Form 540NR, line 22 ._____

G Multiply line F by line E. Enter the result on form FTB 3800, line 10 ._____

Part III Child's Tax

Line 15 – Use the California tax table found in the 2004 instructions for Form 540 to find the tax for the amount on line 14 based on the child's filing status.

Long Form 540NR Filers: To figure a revised California adjusted gross income for the child and the child's tax, complete the following worksheet.

A Enter the child's CA adjusted gross income from Long Form 540NR, line 21 . . . . ._____

B Enter the portion of the child's net investment income that must be included in the child's CA adjusted gross income . . . . ._____

C Subtract line B from line A . . . . ._____

D Enter the child's adjusted gross income from all sources from Long Form 540NR, line 17 . . . . ._____

E Enter the child's investment income (form FTB 3800, line 5) . . . . ._____

F Subtract line E from line D . . . . ._____

G Divide line C by line F (not to exceed 1.0) . . . . ._____

H Enter the child's total itemized deductions or standard deduction from Schedule CA (540NR), line 43 . . . . ._____

I Multiply line H by line G . . . . ._____

J Subtract line I from line C ._____

K Subtract line H from line F . . . . ._____

L Find the tax on the amount on line K for the child's filing status (Use the tax table found in the 2004 instructions for Long Form 540NR . . . . ._____

M Divide line L by line K . . . . ._____

N Multiply line J by line M. Enter the result on form FTB 3800, line 15 . . . . ._____

Line 17 – Use the California tax table found in the 2004 instructions for Form 540 to find the tax for the amount on line 4, based on the child's filing status.

Long Form 540NR Filers:

A Enter the amount from form FTB 3800, line 4 . . . ._____

B Find the tax for the amount on line A, by using the tax table from the 2004 instructions for Long Form 540NR based on the child's filing status . . . . ._____

C Divide line B by line A . . . . ._____

D Enter the amount from the child's Long Form 540NR, line 22 . . . . ._____

E Multiply line D by line C. Enter the result on form FTB 3800, line 17 . . . . ._____

Line 18 – Compare the amounts on line 16 and line 17 and enter the **larger** of the two amounts on line 18. Be sure to fill in the circle labeled "FTB 3800" on Form 540, line 20 of the child's tax return.

Long Form 540NR Filers: Divide the child's Long Form 540NR, line 22 by the child's Long Form 540NR, line 19 to determine the child's percentage. Divide the larger of line 16 or line 17, by the percentage. Enter the amount on line 18 and on the child's Long Form 540NR, line 20. Be sure to the fill in the circle labeled "FTB 3800" on the child's Long Form 540NR.